



General Assembly

February Session, 2012

Raised Bill No. 151

LCO No. 495

00495_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING ADDITIONAL REQUIREMENTS FOR AN
EMPLOYER'S NOTICE TO DISPUTE CERTAIN CARE DEEMED
REASONABLE FOR AN EMPLOYEE UNDER THE WORKERS'
COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) No employer or an
2 employer's insurer shall discontinue, reduce or deny a course of
3 treatment which a physician or surgeon deems reasonable or necessary
4 unless the employer notifies the commissioner, physician or surgeon
5 and the employee of the proposed discontinuance, reduction or denial
6 of the course of medical care and the commissioner approves such
7 discontinuance, reduction or denial of such care in writing. Such notice
8 shall specify the reason maintained by the employer or the employer's
9 insurer that the course of medical care deemed reasonable by the
10 physician is not reasonable and be in substantially the following form:

11 IMPORTANT

12 STATE OF CONNECTICUT WORKERS' COMPENSATION
13 COMMISSION

14 YOU ARE HEREBY NOTIFIED THAT THE EMPLOYER OR
15 INSURER INTENDS TO DISCONTINUE, REDUCE OR DENY
16 TREATMENT (date) FOR THE FOLLOWING REASONS:

17 If you object to the discontinuance, reduction, or denial of treatment
18 as stated in this notice, YOU MUST REQUEST A HEARING NOT
19 LATER THAN 15 DAYS after your receipt of this notice, or this notice
20 will automatically be approved.

21 To request an Informal Hearing, call the Workers' Compensation
22 Commission District Office in which your case is pending.

23 Be prepared to provide medical and other documentation to
24 support your objection. For your protection, note the date when you
25 received this notice.

26 (b) No discontinuance or reduction of an ongoing course of
27 treatment shall be effective unless approved in writing by the
28 commissioner upon a determination that the proposed care is not
29 reasonable. The parties may request a hearing on any such proposed
30 discontinuance, reduction or denial not later than fifteen days after
31 receipt of such notice. Such notice of intention to discontinue, reduce
32 or deny medical treatment shall be issued not later than five days after
33 a notice of need for treatment is received by the employer, employer's
34 insurer, employer's claim administrator or Second Injury Fund. The
35 commissioner shall not approve such discontinuance, reduction or
36 denial prior to expiration of the period for requesting a hearing or the
37 completion of the hearing, whichever is later. Either party may request
38 a formal hearing on the commissioner's decision to grant or deny the
39 discontinuance, reduction or denial. The employer shall have the
40 burden of proof that the medical care or treatment is unreasonable.

41 (c) The notice required in subsection (a) of this section shall include
42 an opinion from a physician licensed to practice medicine in
43 Connecticut that the course of treatment recommended by the
44 attending physician is not reasonable or necessary and does not meet

45 the standard of care that should be exercised by a physician practicing
 46 in the same specialty as the attending physician and the basis for such
 47 opinion. If the employer intends to rely on the opinion of a physician
 48 who performs an examination pursuant to section 31-294f of the
 49 general statutes, and such examination has not yet taken place, then
 50 the name of the physician, date, time and location of the examination,
 51 which shall be held not more than two weeks after the employee's
 52 receipt of the notice, shall be attached to the notice in lieu of an opinion
 53 that the treatment is not reasonable or necessary. The treatment
 54 recommended by the attending physician or surgeon may not be
 55 discontinued, reduced or denied until the results of the examination
 56 pursuant to section 31-294f of the general statutes is considered at an
 57 informal hearing.

58 (d) If the employer or employer's insurer seeks to discontinue,
 59 reduce or deny the course of medical care found reasonable by a
 60 physician based upon a dispute between physicians not as to the
 61 reasonableness of the course of care, but as to the better course of care,
 62 the patient shall be entitled to choose the course of care after informed
 63 consent.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2012</i>	New section
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Statement of Purpose:

To prevent an employer or employer's insurer from discontinuing, reducing or denying employee's course of treatment under the Workers' Compensation Act unless the employer provides notice and an opinion from another physician that such treatment is not reasonable, necessary, does not meet the appropriate standard of care.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]